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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,584	05/29/2007	David Anthony Gold	242.004US01	1461
27073 7590 07/01/2010 LEFFERT JAY & POLGLAZE, P.A. P.O. BOX 581009 MINNEAPOLIS, MN 55458-1009				
EXAMINER				
STETZ, RACHEL RUNNING				
ART UNIT		PAPER NUMBER		
3732				
NOTIFICATION DATE		DELIVERY MODE		
07/01/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ljp-iplaw.com

### Office Action Summary

**Application No.**

10/583,584

**Applicant(s)**

GOLD, DAVID ANTHONY

**Examiner**

RACHEL R. STEITZ

**Art Unit**

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
4a) Of the above claim(s) 1-26 and 38-45 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 27-37 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 1/22/2009  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group IV in the reply filed on May 27, 2010 is acknowledged.
2. Claims 1-27 and 38-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 27, 2010.

***Claim Objections***

3. Claim 34 is objected to because of the following informalities: It appears that there is a typographical error and the term "plan" should be changed to - - plane- -. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 27-29 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Gold (US Pub 2002/0185146).  
Regarding claim 27, Gold discloses a hair extension apparatus comprising a fixed contrasting element (47) bearing connecting elements (13) of hair extension on a tape (4) and corresponding portions of receiving hair (3) of hair to be thickened separated

and corresponding to a respective connecting element, and a movable pressure element (49) acting on the fixed element the movable pressure element is driven by a pneumatic device (paragraph 102) operating at a predetermined pressure to press on the connecting elements of the hair extension and corresponding portions of receiving hair, characterized in that it comprises a means for positioning the tapes (i.e. manual positioning the tapes), the connecting elements and the hair portions in a predetermined position on the fixed pressure elements (see Figures 1, 14, and 15). With regards to the "means ...for positioning the tapes", this limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 USC 112 6<sup>th</sup> paragraph.

Regarding claim 28, Gold discloses respective recesses (48) of the fixed and pressure elements in a position such as to receive respective connecting elements when they are pressed by the pressure element (see Figure 14; paragraph 101).

Regarding claim 29, the fixed element (47) and the pressure element (49) comprise a respective thermistor (41) at their bearing planes (paragraph 77).

Regarding claim 35, a bearing plane (40) on the fixed element is a soft pliable material (see Figure 15; paragraph 101).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gold in view of Jarrett (US 5,861,607).

Gold discloses the claimed invention except for the means for positioning the tapes comprises a gripper, or indent-shaped stops (claims 30, 31 respectively). Gold further does not disclose the fixed element and the moveable pressure element having bearing surfaces formed on removable plates wherein the plates are thin and of a metallic material with a high thermal conductivity. Jarrett teaches removable plates with a means for positioning comprising a gripper with indent-shaped stops (52, 54) (see Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Gold with removable plates as taught by Jarrett in order to allow the user to clean the plates between uses. It further would have been obvious to one having ordinary skill in the art at the time the invention was made to have the plates be thin and of metallic material with high thermal conductivity, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

8. Claims 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gold in view of Ott (US 7,036,517).

Gold discloses the claimed invention except for the second plate having a plurality of punches with a central recess and twin cutting edges. Ott teaches a punch

with a central recess with twin cutting edges (see Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Gold with punches having a central recess and twin cutting edges as taught by Ott in order to increase the quality of the connection between the plates.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL R. STEITZ whose telephone number is (571)272-1917. The examiner can normally be reached on Monday-Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rachel Running Steitz/  
Examiner  
Art Unit 3732

6/24/2010